

REMARKS

Applicants respectfully request entry of the foregoing amendments and reconsideration of the present application in view of the reasons that follow.

Claim 33 is currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 23-36 are now pending in this application.

Rejections under 35 U.S.C. § 102

Claims 23-30 and 32-36 stand rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,170,318 (Lewis). Applicants respectfully traverse.

The Office asserts that Lewis discloses a method using a sensor that is an optical sensor, a mechanical sensor, a radiation sensor, a thermal sensor, and combinations thereof and cites column 9, line 64 - column 10, line 67 and column 18, line 54 to column 19, line 33 in support (Office Action, page 2, lines 16-19).

This characterization of Lewis is incorrect, because the cited passages only disclose chemical sensors. Specifically, these are sensors that detect the presence of chemical substances by interacting with the chemicals directly to produce a change in the sensor. For example, a resistance change results from contact with an analyte fluid (see Lewis, column 12, lines 38-49).

In contrast, an optical sensor, a mechanical sensor, a radiation sensor, or a thermal sensor operates differently. The specification explains that:

Thermal sensors can detect stimuli which include, but are not limited to, temperature, heat, heat flow, entropy, heat capacity, *etc.* Radiation sensors can detect stimuli that include, but are not limited to, gamma rays, X-rays, ultra-violet rays, visible, infrared, microwaves and radio waves. Mechanical sensors can detect stimuli which include, but are not limited to, displacement, velocity, acceleration, force, torque, pressure, mass, flow, acoustic wavelength, and amplitude. Magnetic sensors can detect stimuli that include, but are not limited to, magnetic field, flux,

magnetic moment, magnetization, and magnetic permeability. Electrical sensors can detect stimuli which include, but are not limited to, charge, current, voltage, resistance, conductance, capacitance, inductance, dielectric permittivity, polarization and frequency.

In certain embodiments, thermal sensors are suitable for use in the present invention that include, but are not limited to, thermocouples, such as semiconducting thermocouples, noise thermometry, thermoswitches, thermistors, metal thermoresistors, semiconducting thermoresistors, thermodiodes, thermotransistors, calorimeters, thermometers, indicators, and fiber optics.

In other embodiments, various radiation sensors are suitable for use in the present invention that include, but are not limited to, nuclear radiation microsenors, such as scintillation counters and solid state detectors, ultra-violet, visible and near infrared radiation microsenors, such as photoconductive cells, photodiodes, phototransistors, infrared radiation microsenors, such as photoconductive IR sensors and pyroelectric sensors. Optical sensors also detect visible, near infrared and infrared waves.

Accordingly, Lewis fails to disclose every limitation of the claims and cannot be considered anticipatory. See M.P.E.P. § 2131. The rejection should be withdrawn.

Rejections under 35 U.S.C. § 103

Claim 31 stands rejected under 35 U.S.C. § 103(a) over Lewis in view of U.S. Patent No. 6,252,510 (Dungan). The Office has not rejected claims 23-30 and 32-36 under 35 U.S.C. § 103(a) for obviousness. Applicants respectfully traverse the obviousness rejection of claim 31.

The Office applies Dungan for its disclosure of monitoring a perimeter (Office Action, page 4, lines 2-5). For the same reason present above for claims 23-30 and 32-36, Lewis fails to disclose an optical sensor, a mechanical sensor, a radiation sensor, or a thermal sensor. Accordingly, combining Lewis with a disclosure of monitoring a perimeter would not yield the present invention, because the result would still omit limitations of the present claims. This ground of rejection should also be withdrawn. See M.P.E.P. § 2143.03.

Conclusion

Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

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By



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